

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE C.N.RAMACHANDRAN NAIR

WEDNESDAY, THE 22ND NOVEMBER 2006 / 1ST AGRAHAYANA 1928

WP(C).No. 29990 of 2006(T)

PETITIONER:

ARUN KUMAR P.K., AGED 19 YEARS,
S/O.P.K.BALAN, VISHRUTHI,
KRISHNAN NAIR ROAD, KARAPARAMBA, CALICUT,
KERALA.

BY ADV. SRI.JACOB ABRAHAM
SMT.KOCHUMOL KODUVATH

RESPONDENTS:

1. K.M.C.T. COLLEGE OF ENGINEERING,
KOZHIKODE, MANNASSERY P.O.,
MUKKAM-673 602, REP. BY ITS MANAGER.
2. THE PRINCIPAL,
K.M.C.T. COLLEGE OF ENGINEERING,
KOZHIKODE, MANASSERY P.O., MUKKAM-673 602.
3. UNIVERSITY OF CALICUT,
REP. BY ITS REGISTRAR,
THENHIPALAM, MALAPPURAM DISTRICT.

R1&2 BY ADV. SRI.M.ASOKAN
SRI.DEVAPRASANTH.P.J.

R3 BY ADV. SRI.E.S.ASHRAF, SC

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD
ON 22/11/2006, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:

APPENDIX

PETITIONER'S EXHIBITS:

P1: TRUE COPY OF THE CERTIFICATE NO.HSE 0058146 HAVING REGISTERED NO.1730280 ISSUED BY THE DEPARTMENT OF HIGHER SECONDARY EDUCATION, GOVERNMENT OF KERALA, DT.13.5.05.

P2: TRUE COPY OF TRANSFER CERTIFICATE OF THE PETITIONER ISSUED BY HIS SCHOOL NAMED RAHMANIA HIGHER SECONDARY SCHOOL FOR HANDICAPPED, MEDICAL COLLEGE P.O. CALICUT.

P3: TRUE COPY OF THE STATEMENT OF MARKS AWARDED BY THE CENTRAL BOARD OF SECONDARY EDUCATION TO THE PETITIONER IN ALL INDIA SECONDARY EXAM. 2003 DT.24.5.03.

P4: TRUE COPY OF RECEIPT NO.1148 FOR MAKING PAYMENT OF RS.1200/- DT.4.8.05.

P4(a): TRUE COPY OF RECEIPT FOR MAKING PAYMENT OF RS.1500/- DT.4.8.05.

P4(b):.DO. RS.35,000/- DT.26.5.05.

P4(c): .DO. RS.11,100/- DT.4.8.05.

P4(d): .DO. RS.3,700/- DT.27.5.2005.

P5: JUDGMENT DT.23.6.2006 OF THIS HON'BLE COURT MADE IN W.P.C. NO.15249/2006.

P6: 2ND RESPONDENT'S LETTER DT.18.7.2006 ISSUED TO PETITIONER.

TRUE COPY

P.S. TO JUDGE

C.N.RAMACHANDRAN NAIR, J.

.....
W.P.(C) No.29990 of 2006
.....

Dated this the 22nd day of November, 2006.

JUDGMENT

Heard counsel for the petitioner and counsel for respondents 1 and 2. Petitioner's marklists and certificates are withheld by the first respondent-college for non-payment of balance fees for the whole course which petitioner discontinued in the first semester itself. While the case of the petitioner is that there is no lien on certificates, counsel for the first respondent submitted that petitioner's father himself has given undertaking to pay the entire fees in the event of petitioner discontinuing his studies. I do not think there is any need to decide the controversy as to whether management can withhold certificates because there is a general understanding between the petitioner and the first respondent in regard to settlement of liability after both the counsel discussed with the parties. Even though amount suggested and agreed upon is Rs.50,000/-, counsel for the petitioner submitted that petitioner has a caution deposit of Rs.10,000/- which he is entitled to get refund after liability is settled. However, counsel for the first respondent submitted that Rs.50,000/- agreed by the first respondent is after reckoning the caution deposit available with them. I do not think for narrow difference the issue should remain unsettled. In the circumstances, W.P. is disposed of directing the respondents to settle liability and return the marklists and all certificates to the petitioner on petitioner remitting rupees forty five thousand.

The management is free to retain the caution deposit made by the petitioner. All the certificates will be released immediately on payment of Rs.45,000/-.

C.N.RAMACHANDRAN NAIR
Judge

pms